

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Criminal Minute Order

The Honorable Claudia Wilken, Presiding
Clerk: Sheilah Cahill
Court Reporter: Diane Skillman
Date: 12/5/07

FILED
DEC - 5 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Plaintiff: United States

v.

No. CR-07-00370 CW

Defendant: Jose Clemente Lopez-Padilla (present - in custody
interpreter used)

Appearances for Plaintiff:
Daniel Kaleba

Appearances for Defendant:
John Paul Reichmuth

Interpreter:
Hiram Torres (Spanish - sworn)

Probation Officer:
Sara Black

Hearing: Judgment and Sentencing

Notes: Defendant and counsel have read PSR (translated for defendant in Spanish); no factual disputes. Court finds Offense Level 9, based on circumstances of the offense that involved growing a single plant of marijuana for personal use rather than trafficking, Criminal History IV, leading to a guideline range of 12 - 18 months. Based on the plea agreement, the Court sentences the defendant to 18 months custody of the BOP, to be followed by 3 years supervised release under the usual terms and conditions and the special conditions as set forth in the PSR. No fine imposed due to lack of ability to pay a fine. Defendant to pay \$100 special assessment which may be paid through the BOPs' Inmate Financial Responsibility Program at the rate of \$25 per quarter. Any remaining counts are dismissed. Court will recommend placement at Terminal Island so defendant can establish contact with his children. Defendant remanded to custody of U.S. Marshal. See J&C for details.

Copies to: Chambers